

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

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Case No.	2:17-cv-01400-CAS	Date	July 6, 2017
Title	IN RE: C.M. MEIERS		
Bankruptcy No. 1:12-bk-10229-MT; Adversary No. 2:14-ap-01042-MT			

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) - ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED STATES BANKRUPTCY
JUDGE

Pursuant to Stern v. Marshall, 564 U.S. 462 (2011), the Court has reviewed the Report and Recommendation of the United States Bankruptcy Judge, as well as the objections submitted by the parties. The Court accepts the Bankruptcy Judge’s Report and adopts it as its own findings and conclusions.

Accordingly, the Court **DENIES** the Chapter 11 Trustee’s motion for summary judgment as to the breach of the duty to indemnify, tortious breach of implied covenant of good faith and fair dealing, Brandt fees, and punitive damages. The Court **GRANTS IN PART AND DENIES IN PART** the Trustee’s motion for summary judgment as to the duty to defend. The Court finds that the Trustee’s First Amended Complaint created a potential for liability under the policy that triggered a duty to defend, but does not make any finding as to the amount of damages owed.

The Court **DENIES** Evanston Insurance Company’s motion for summary judgment as to the breach of the duty to indemnify but **GRANTS** the motion as to the tortious breach of implied covenant of good faith and fair dealing, punitive damages, and Brandt fees.

The reference is withdrawn to this Court for further proceedings pursuant to 28 U.S.C. § 157(d).

IT IS SO ORDERED.

Initials of Preparer

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CMJ